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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,975	04/20/2001	Mark Buonanno	CSCO-3825	4882

7590 06/08/2004

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Two North Market Street  
San Jose, CA 95113

EXAMINER

BORISSOV, IGOR N

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 06/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/839,975

Applicant(s)

BUONANNO ET AL.

Examiner

Igor Borissov

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NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Claim Rejections under 35 USC § 112 has been withdrawn.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-4, 8-9, 11-14 and 18-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Elms et al. (US 2002/0072992).**

Elms et al. teach a method and system for enabling a host to facilitate a transaction between a first party and a second party, comprising:

**As per claims 1, 11 and 18,**

locating a first party and a second party [0020];

establishing a collaboration session directly between the first party and the second party [0070]; [0090];

transacting a business deal between the first party and the second party, wherein the steps of locating, conducting, and transacting are performed in an integrated software communication platform within the B2B exchange [0013]; [0083]; [0084].

**As per claims 2, 12 and 19,**

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automatically completing a machine-to-machine transaction once the first party and the second party criteria are met [0020]; [0027].

**As per claims 3, 13 and 20,**

manually completing a transaction between the first party and the second party through the collaboration session [0030]; [0070].

**As per claims 4, 14 and 21,**

a call center agent facilitating a transaction between the first party and the second party upon request [0030].

**As per claim 8,** said method and system, wherein the locating step includes seek-and-find technology [0020].

**As per claim 9,** said method and system, wherein the locating step includes instant messaging [0070].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 7, 10, 17 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elms et al.**

**As per claims 7, 17 and 24,** Elms et al. teach said method and system, comprising the step of utilizing an agent to contact either the first party or the second

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party to complete a transaction when predetermined criteria for a prospective transaction is met [0030]; [0040]; [0041]; [0051].

However, Elms et al. do not specifically teach that said agent is a proactive agent.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Elms et al. to include that said agent is a proactive agent, because it appears that the claimed features do not distinguish the invention over similar features in the prior art, and the teachings of Elms et al. would perform the invention as claimed by the applicant with either specifically mentioning that the agent is a proactive agent, or not.

**As per claim 10**, Elms et al. teach said method and system, comprising providing complete record of the correspondence between the parties and transaction signature [0065]; [0069].

However, Elms et al. do not specifically teach that providing complete record of the correspondence includes continuous call recording.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Elms et al. to include that providing complete record of the correspondence includes continuous call recording, because it appears that the claimed features do not distinguish the invention over similar features in the prior art, and the teachings of Elms et al. would perform the invention as claimed by the applicant with either specifically mentioning call recording step, or not.

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**Claims 5-6, 15-16 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elms et al. in view of Walker et al. (US 2002/0169626).**

**As per claims 5-6, 15-16 and 22-23**, Elms et al. teach all limitations of claims 5-6, 15-16 and 22-23, including the step of providing web meeting, instant messaging, and internet collaboration [0070], except for providing video conferencing.

Walker et al. teach a method and system for providing to a prospective customer a reference for a merchant, wherein communication between parties is enabled via video conferencing, instant messaging or e-mail [0091].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Elms et al. to include video conferencing, because it appears that the claimed features do not distinguish the invention over similar features in the prior art, and the teachings of Elms et al. would perform the invention as claimed by the applicant with either including video conferencing, or not.

### ***Response to Arguments***

Applicant's arguments filed on 23/03/04 have been fully considered but they are not persuasive.

In response to Applicant's arguments that Elms et al. do not teach establishing a collaboration session directly between the first party and the second party, examiner points out that Elms et al. specifically teach this feature (See: Elms et al. [0070]).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

***Washington D.C. 20231***

or faxed to:

**(703) 872-9306** [Official communications; including After Final  
communications labeled "Box AF"]

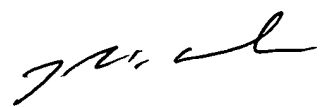
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Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

*JB*

  
JOHN G. WEISS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600